THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 25399 OF 1997

Dated 24th January, 2007

Between:

G.P.Tirumala Rao

… Petitioner

And

The Government of Andhra Pradesh
represented by its Secretary,
Revenue Department, Secretariat Buildings,
Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner who is owner of land covered by Survey Nos. 384, 385 and 397 of Siddalakonduru village questions the action of the respondents in trying to deprive a portion of the land on which there is a lemon garden for the purpose of widening the road leading from Siddalakonduru to Ananthapuram village as illegal.

It is stated that the above said land totally admeasures Ac.7-85 cents and is a private patta land on which a lemon garden was raised and coconut and teakwood trees of about 15 to 17 years old are also existing. It is stated that petitioner's ownership and possession is also reflected in the documents issued under the Record of Rights Act. It is the grievance of the petitioner that for the purpose of widening the road leading from Siddanakonduru to Ananthapuram, a portion of the above said garden was sought to be deprived without any notice and authority.

The writ petition was filed in the year 1997 and at the stage of admission, this court had granted interim orders on 10.1.1997. No counter affidavit is filed on behalf of the respondents. Interim order granted by this court on 10.1.1997 continued all along. It is stated that the above said land is a private patta land, and, therefore, if the same is required for road widening, it can be acquired only by issuing necessary notification under the provisions of the Land Acquisition Act, or, its possession can be taken over with the consent.

The writ petition, therefore, is disposed of with a direction to the respondents not to deprive the petitioner of his private property for road widening purpose otherwise than by due process of law. No costs.

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24.1.2007

R.SUBHASH REDDY, J.

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